

DO NOT ENTER: /JC/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Response Under 37 C.F.R. § 1.116 Expedited Procedure****In re application of:** Gary A. Snyder**Application No.** 10/661,411**Filed:** September 12, 2003**Confirmation No.** 6660**For:** GRAPE FLAVORED POME FRUIT**Examiner:** Jyoti Chawla**Art Unit:** 1794**Attorney Reference No.** 6522-78332-01**FILED VIA EFS ON:****February 11, 2010**FILED VIA EFS  
COMMISSIONER FOR PATENTS**AMENDMENT AND RESPONSE AFTER FINAL ACTION**

This Amendment and Response to Final Office Action is submitted in response to the Office action dated December 7, 2009. A three-month period for reply was set, making a response due on or before **March 7, 2010**. A reply filed within two months of the mailing date of the Office Action receives the potential benefit of 37 C.F.R. §1.136(a) as described on page 14 of the Office Action. Because February 7, 2010, falls on a Sunday and the United States Patent and Trademark Office (USPTO) was closed from Monday, February 8, 2010 through Thursday, February 11, 2010, a timely response within two months is made on or before Friday, February 12, 2010 (37 C.F.R. §1.7). It is believed that no fees are required for this filing. However, if the Commissioner determines that fees are required, Applicant hereby gives permission to take such fees from Deposit Account 02-4550. Please amend the referenced application as follows:

**Amendments to the Specification** begin on page 2.**Amendments to the Claims** are reflected in the listing of claims, which begins on page 9.**Remarks** begin on page 11.